

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CINTHIA THEVENIN, individually,  
and as wife of EDSON THEVENIN, Decedent, and as  
Administratrix of the Estate of EDSON THEVENIN,  
and as mother and natural guardian of Infant N.T.  
and as mother and natural guardian of Infant Z.T. ,

DOCKET NO: 16-CV-1115 (DJS)

Plaintiff,

—against—

THE CITY OF TROY and  
SERGEANT RANDALL FRENCH,

Defendants.

-----X

**PLAINTIFF’S SUPPLEMENTAL RECORD  
IN OPPOSITION TO RULE 56 MOTION**

**HARFENIST KRAUT & PERLSTEIN LLP**

*Attorneys for Plaintiff*

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(516) 355-9600

**HACH & ROSE LLP**

*Attorneys for Plaintiff*

185 Madison Avenue  
New York, New York 10016  
(212) 779-0057

Held at Glens Falls, New York  
on August 9, 2016

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In the Matter of the Claim of Cinthia Thevenin,  
individually, and as wife of Edson Thevenin,  
Decedent, and as proposed Administratrix of the  
Estate of Edson Thevenin and as mother and natural guardian  
of Son [REDACTED] and as mother and natural guardian of  
Son [REDACTED],

Claimants,

-against-

The City of Troy, City of Troy Police Department  
Sergeant Randall French, Captain Matthew  
Montanino, Police Officer John Tedesco,  
Police Officers Joe Does 1-10 and Joel Ablove,  
District Attorney,

Respondents.

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TESTIMONY OF CINTHIA THEVENIN

Theresa M. Tobin, Court Reporter  
Queensbury, New York 12804  
518-741-6005

ORIGINAL

SR.001

A P P E A R A N C E S

HACH & ROSE LLP  
Attorneys for Claimants  
185 Madison Avenue, 14th Floor  
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BY: Michael A. Rose, Esq., of Counsel

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Glens Falls, New York 12801  
BY: John D. Aspland, Jr., of Counsel

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SR.002

S T I P U L A T I O N S

At this 50-h Examination, the presence of a referee is waived. All objections, except as to the form of the question, are reserved until the time of trial and need not be noted on the record today. The filing of the transcript is waived. However, the transcript will be signed.

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SR.003

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DOCUMENT REQUESTS

MR. ASPLAND:

PRESERVE EDSON THEVENIN'S TAX RETURNS

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SR.004

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EXHIBITS

1--NOTICE OF CLAIM

52

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SR.005

1 CINTHIA THEVENIN, having been duly sworn, was  
2 examined and testified as follows:

3 EXAMINATION BY MR. ASPLAND:

4 Q. Mrs. Thevenin, my name is John Aspland. I  
5 represent the Respondents, the City of Troy, City of  
6 Troy Police Department, Sergeant Randall French, Captain  
7 Matthew Montanino, Police Chief John Tedesco, and Police  
8 Officers John Does 1-10, with respect to the Notice of  
9 Claim that was filed against those individuals and those  
10 entities.

11 I'm going to struggle through these questions  
12 today, because my voice, you can tell, is shot. So,  
13 normally, it's not that difficult to understand me or  
14 my questions but today please let me know if you  
15 didn't understand one of my questions. If it got  
16 garbled up in my scratchy voice, I'll be happy to  
17 rephrase it, repeat it, whatever you need me to do,  
18 so you can understand what I'm asking you and I can  
19 be sure that you're answering the question that I  
20 actually intended to ask, okay?

21 A. Okay.

22 Q. Couple of ground rules: This is going to  
23 be a difficult subject matter and I apologize in advance

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SR.006

1 for the number of questions I'm going to have to ask.  
2 If you need to take a break for any reason, you let me  
3 know and you and your Counsel, Mr. Rose, can leave the  
4 room if you have to and we can take as long a break as  
5 you need, okay?

6 A. Okay.

7 Q. This is just for me to get information, to  
8 get through some questions with you and I don't want you  
9 to feel like it's an interrogation. So if you need to  
10 take a break and as long as there's no question pending,  
11 you just let me know that you need to take a break, all  
12 right?

13 A. Yes.

14 Q. Occasionally, I will ask a question that  
15 no one understands. In my mind, I thought it was a good  
16 question. You let me know that I've confused you, okay?

17 A. Okay.

18 Q. Theresa is taking down everything that we  
19 say. So, as we sit here and have our conversation, I  
20 may see that you're nodding your head yes or no or  
21 shaking your head like you don't know. I need you to  
22 verbalize all of your responses for me because she can't  
23 take down that you're nodding your head yes. It will

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SR.007

1 just say, 'Nodding,' okay?

2 A. Okay.

3 Q. So, when you can answer to the best of  
4 your ability in words, that's all I'm asking for. Fair  
5 enough?

6 A. Fair.

7 Q. Let me begin by asking you some background  
8 information questions, all right?

9 A. Yes.

10 Q. You were married to Edson Thevenin, is  
11 that right?

12 A. Yes.

13 Q. When were you guys married?

14 A. August 22, 2015.

15 Q. What was your maiden name before that?

16 A. Cyrille.

17 Q. Where did you and Edson live?

18 A. [REDACTED]

19 [REDACTED].

20 Q. How long did you and Edson live at that  
21 [REDACTED] address?

22 A. We've had that address all together for  
23 seven years but we moved back there for the last two

1 years.

2 Q. Where were you living before the last two  
3 years?

4 A. In West Haverstraw.

5 Q. How long did you live in West Haverstraw?

6 A. Two years.

7 Q. Where did you live before that?

8 A. Before that, we rented at [REDACTED]  
9 [REDACTED]

10 Q. Is that a home or an apartment?

11 A. My mom's house.

12 Q. The [REDACTED] is your mom's  
13 house?

14 A. No. I'm sorry.

15 Q. That was one of my questions. West  
16 Haverstraw is your mom's house?

17 A. West Haverstraw is my mom's house. The  
18 [REDACTED] is an apartment.

19 Q. Are you currently employed?

20 A. Yes I am.

21 Q. What do you do for a living?

22 A. I work for Sephora.

23 Q. In what capacity? Sales person?

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SR.009

1 A. Sales person, Cash Wrap coordinator.

2 Q. What is a Cash Wrap Coordinator?

3 A. Basically, I train all the new employees  
4 on the register, make sure our technology scores are up.

5 Q. How long have you worked for Sephora?

6 A. It's going on four years.

7 Q. What did you do before you worked for  
8 Sephora?

9 A. I worked for Key Bank.

10 Q. What did you do at Key Bank?

11 A. A teller.

12 Q. Was there a particular branch that you  
13 worked at?

14 A. No. When I worked for the branch here, I  
15 was a floater teller, so you go to different branches  
16 who need assistance.

17 Q. And the floater teller area was what area  
18 of New York?

19 A. It was Albany, East Greenbush, Troy, and  
20 as far as Hoosick Falls.

21 Q. How long did you work for Key Bank?

22 A. Key Bank, I worked for them -- all  
23 together, I worked for Key Bank for six years.

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SR.010

1 Q. Have you ever held any professional  
2 licenses?

3 A. No.

4 Q. And can you tell me your educational  
5 background?

6 A. I have a bachelor's in Business  
7 Management.

8 Q. From what school?

9 A. From Monroe College.

10 Q. Where is that?

11 A. New Rochelle, New York.

12 Q. Where did you graduate high school?

13 A. North Rockland High School, and that was  
14 in Phiells.

15 Q. What year did you graduate?

16 A. 2001.

17 Q. What's your date of birth?

18 A. [REDACTED]

19 Q. And your Social Security number?

20 A. [REDACTED].

21 Q. Do you have any children?

22 A. Yes. I have two boys.

23 Q. And what are their names?

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SR.011

1 A. The oldest one is [REDACTED] and the little one  
2 is [REDACTED].

3 Q. How old is [REDACTED]?

4 A. [REDACTED] is nine.

5 Q. How old is [REDACTED]?

6 A. Four.

7 Q. Is their last name Thevenin?

8 A. Thevenin.

9 Q. What grade is [REDACTED] in?

10 A. Fourth.

11 Q. [REDACTED] is not going to be old enough to  
12 start kindergarten yet?

13 A. No. Daycare.

14 Q. How about your husband Edson's date of  
15 birth?

16 A. [REDACTED]

17 Q. Do you have any idea what his Social  
18 Security number is?

19 A. I do.

20 Q. What is it?

21 A. [REDACTED].

22 (Off the record)

23 EXAMINATION BY MR. ASPLAND:

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SR.012

1 Q. What was Edson's educational background?

2 A. He graduated high school and he has a  
3 technical degree in automotive.

4 Q. As a, like, mechanic technician?

5 A. Yes.

6 Q. Was it with any particular make or model  
7 vehicle?

8 A. No.

9 Q. Where did he get that degree?

10 A. I can't remember the name of the school.  
11 It was in Jersey. I don't remember.

12 Q. That's fine. Do you know when he got it?

13 A. It was 2014.

14 Q. And at the time of his passing, was he  
15 employed?

16 A. Yes he was.

17 Q. What was he doing?

18 A. He worked for Enterprise.

19 Q. Which Enterprise location?

20 A. The one in Latham. It was next to the  
21 hotel and a correctional facility.

22 Q. Over by the airport?

23 A. Yes.

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SR.013

1 Q. How long had he been working there?

2 A. Over a year.

3 Q. What did he do before becoming employed at  
4 Enterprise?

5 A. He worked for a warehouse. It was, like,  
6 to get the groceries packaged and they had to be shipped  
7 to, like, to the different grocery stores.

8 Q. Do you know how much he was making at  
9 Enterprise?

10 A. Enterprise, I think he was making about  
11 \$11.50.

12 Q. An hour?

13 A. An hour.

14 Q. Do you know roughly how much he was  
15 making, like a week or month or year?

16 A. No I don't.

17 Q. How many hours a week would he typically  
18 work?

19 A. He worked almost forty hours a week.

20 Q. Did he have health benefits and  
21 retirement, or anything like that, that you're aware of,  
22 through Enterprise?

23 A. Yes he did.

1 Q. Which of those benefits did he have?

2 A. He had medical, dental and a retirement.

3 Q. And was it family medical and dental?

4 A. No it wasn't.

5 Q. Just the individual plan?

6 A. Just the individual.

7 Q. Do you and your children have health  
8 coverage and dental coverage?

9 A. Yes we do.

10 Q. Through what program?

11 A. CDPHP.

12 Q. Was that through your work?

13 A. No. It's through -- you have to go  
14 through the New York Health Plan, I think it's called.

15 Q. New York Healthy Plus?

16 A. Yes.

17 Q. Did you and Edson file joint tax returns?

18 A. No we didn't.

19 Q. Do you know who took the boys as  
20 deductions, you or Edson?

21 A. He did. This past year, he did.

22 Q. 2015 he did?

23 A. Yes. 2015 yes.

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SR.015

1 Q. And in prior years would you be the one?

2 A. Yes.

3 Q. And both the boys are Edson's biological  
4 children?

5 A. Yes they are.

6 Q. And has he financially supported them  
7 their entire lives?

8 A. Yes he has.

9 Q. How did you meet Edson?

10 A. I met him when I was working at a watch  
11 station at the mall.

12 Q. Which mall?

13 A. Palisades, and that's in West Nyack.

14 Q. Did Edson grow up around this area, or was  
15 he from downstate originally?

16 A. He's from downstate originally.

17 Q. Does he have any other family in the area?

18 A. Yes he does.

19 Q. Who is that?

20 A. His mother and his two younger brothers.

21 Q. Are they from the Watervliet area or Troy?

22 A. One of his younger brothers lives in Troy.

23 Q. Where does his mom live?

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SR.016

1 A. [REDACTED] the Watervliet address.

2 Q. How long did he have the warehouse job?

3 A. For -- yeah, a year and a half.

4 Q. What did he do before that?

5 A. Before that, he worked as a manager for a  
6 health care company. It was United Health Care. He was  
7 a manager in a call center for United Health Care.

8 Q. Was that like a customer relations type of  
9 position?

10 A. Yes.

11 Q. Do you know how long he worked for United  
12 Health Care?

13 A. He worked for them for two years. Maybe a  
14 little bit over.

15 Q. How about before that?

16 A. Before that, he worked for a company  
17 called CSE. It was in East Greenbush.

18 Q. Do you know how long he worked for CSE?

19 A. I think, again, it was about two years.

20 Q. So, do you know approximately how much  
21 money he was making in the warehouse position?

22 A. He was making fifteen an hour and  
23 sometimes it was a little bit over, depending on

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SR.017

1 overtime.

2 Q. Do you know what that equated to a year  
3 for him at the warehouse job?

4 A. No I don't.

5 Q. How about when he worked at United Health  
6 Care?

7 A. He was making, I think, seventeen.

8 Q. So, do you know what that turned into on  
9 an annual basis for that job?

10 A. No I don't.

11 Q. Do you have access to his tax returns?

12 A. Yes I do.

13 Q. I'm going to ask if you have copies of  
14 them, that you make sure that you preserve them?

15 A. Okay.

16 Q. Sometimes, in spring cleaning, things get  
17 moved around but I'm going to ask that you make a  
18 special effort to keep those in a place where you could  
19 find them if a demand is made later on for you to  
20 provide them to your counsel, who will then provide them  
21 to me, okay?

22 A. Okay. Yes.

23 Q. Had your husband ever been involved in a

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SR.018

1 lawsuit?

2 A. No.

3 Q. Had he ever been convicted of a crime?

4 A. Just the DUI.

5 Q. DUI?

6 A. Yes.

7 Q. Do you know when he was convicted of DUI?

8 A. It was in 2000 -- I think it was 2006.

9 Q. Was it locally?

10 A. No. It was downstate.

11 Q. Rockland County?

12 A. Rockland county.

13 Q. Are you aware of any other convictions?

14 A. No.

15 Q. Have you been examined by an attorney  
16 representing Joel Abelow, the district attorney?

17 A. Yes I have.

18 Q. When was that?

19 A. It was June 30th.

20 Q. Was that John Bailey, the attorney  
21 representing Mr. Abelow?

22 A. Yes.

23 Q. Have you ever lived at 128 Oneida Avenue

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SR.019

1 in Troy?

2 A. Yes I have.

3 Q. When was that?

4 A. We were living there in 2007.

5 Q. How long did you live there?

6 A. I lived there a little over a year.

7 Q. In 2008?

8 A. Yes.

9 Q. Have you ever lived at [REDACTED] in  
10 [REDACTED]?

11 A. No.

12 Q. Do you know if Edson ever lived at that  
13 address?

14 A. Yes.

15 Q. What address is that, if you know?

16 Family member?

17 A. It was a family member.

18 Q. Do you know how long he lived there?

19 A. It had to be a few years because when I  
20 met him, he was living there.

21 Q. Do you know what his approximate height  
22 and weight were at the time of his death?

23 A. Six feet.

1 Q. Do you know what his weight was?

2 A. He lost a lot of weight. Maybe two  
3 hundred. Maybe a little bit more.

4 Q. At the time of his passing was he  
5 financially responsible for anybody? Was he supporting  
6 anyone?

7 A. Just us. The family. Me and the boys.

8 Q. Do you know if he had any sources of  
9 income other than the work at Enterprise?

10 A. Just Enterprise.

11 Q. Other than being a licensed mechanic auto  
12 technician, or certified mechanic auto technician, did  
13 he hold any other certifications or licenses for  
14 purposes of work?

15 A. No.

16 (Off the record)

17 EXAMINATION BY MR. ASPLAND:

18 Q. Was he ever a member of the United States  
19 Military?

20 A. No.

21 Q. As a result of his passing, have you  
22 received any monies from any source arising from or  
23 related to the passing of your husband?

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SR.021

1 A. Yes.

2 Q. What money have you received?

3 A. Social Security benefits for the boys.

4 Q. So, each boy receives a monthly benefit  
5 at this time?

6 A. Yes.

7 Q. Do you know what they are receiving on a  
8 monthly basis?

9 A. Around eight forty-three.

10 Q. Each?

11 A. Each.

12 Q. Are you receiving any kind of benefits  
13 from any source?

14 A. No.

15 Q. Do you know when the Social Security  
16 benefits began?

17 A. It began, I got the first one the end of  
18 April.

19 Q. And this is going to continue until what  
20 age?

21 A. Eighteen.

22 Q. If I asked you this, I apologize. Do you  
23 hold any licenses?

1 A. No I don't.

2 Q. Other than a driver's license maybe,  
3 right?

4 A. Yes.

5 Q. Have you ever lived in New York City?

6 A. No. Wait. Yes I have.

7 Q. When was that?

8 A. It was for when I first went to college.

9 Q. What school were you going to?

10 A. The first year of college, I went to FIT.

11 Q. Who is Crystal Thevenin?

12 A. That's his brother's ex-wife.

13 Q. Which brother?

14 A. David.

15 Q. Did Edson have any tattoos?

16 A. Yes he did.

17 Q. What were they of?

18 A. He had one on each arm of the boys' names.

19 Q. So, I want to speak a little bit about  
20 April 17 of 2016. You became aware that your husband  
21 was involved in an incident with the Troy Police that  
22 evening, correct? That morning, I should say.

23 A. Correct.

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SR.023

1 Q. Can you tell me what you were told when  
2 you were first contacted by the police?

3 A. The first contact was the two detectives  
4 came to the door around five, five-thirty. They were  
5 asking me questions about the car.

6 Q. Did you own a car at the time?

7 A. Yes.

8 Q. What kind of vehicle was it?

9 A. I did own the black Honda Civic.

10 Q. Was that registered in your name?

11 A. Yes it was.

12 Q. What were the detectives asking you about  
13 concerning the vehicle?

14 A. They asked me did I own the car, did I let  
15 anybody use the car. I told them, 'My husband has the  
16 car.'

17 Q. What, if anything, did they say next?

18 A. They told me that -- they asked me to  
19 describe my husband and they told me that my husband had  
20 got in a car accident.

21 Q. Did they say anything else?

22 A. Not at that time. They just said he had  
23 got in a car accident. I asked if his brother was in

1 the car because I know he went out with his brother, or  
2 if anyone else was injured, and they said everything was  
3 fine.

4 Q. This is his brother David?

5 A. No, his brother Adam.

6 Q. Where does Adam live?

7 A. He lives in Troy.

8 Q. The same last name, Thevenin?

9 A. Thevenin.

10 Q. And they said everything was all right?

11 A. Yes. They told me it was just a minor car  
12 accident.

13 Q. Do you know the name of either or both  
14 detectives that you spoke to that night?

15 A. I can't recall their names.

16 Q. Can you describe them for me?

17 A. One was a white detective with a short  
18 haircut, probably like five-six or five-seven, and then  
19 the other one was a black detective.

20 Q. Did you have any conversations with them  
21 after that first conversation at five or five-thirty on  
22 the morning of April 17th?

23 A. Yes I did.

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SR.025

1 Q. What were the other conversations that you  
2 had with them?

3 A. I made small talk with, like, the black  
4 detective when the other detective went to make a phone  
5 call just to follow up to see what was going on and then  
6 when he came back, he told me my husband had died in a  
7 fatal car accident.

8 Q. Which detective told you that your husband  
9 died?

10 A. The white detective.

11 Q. What did the black detective say, if  
12 anything?

13 A. He just stood in the back, like behind  
14 him. He was standing behind him.

15 Q. Did you have any other conversation with  
16 either of them that morning at your house?

17 A. They told me -- when I went upstairs, they  
18 told me that I could go over to St. Mary's to see my  
19 husband.

20 Q. What, if anything, happened next?

21 A. When we got to St. Mary's, we were met by  
22 another detective.

23 Q. Uh-huh.

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1           A.       And he told me that I wouldn't be able to  
2 identify my husband's body; that there was an incident  
3 and he'd been shot by a police officer and it was now a  
4 criminal investigation.

5           Q.       Do you know the name of that detective?

6           A.       I don't.

7           Q.       What happened next?

8           A.       We asked him if we could talk to the  
9 doctor and after about five minutes he came back and  
10 said that he did talk to the doctor and we can't see him  
11 but we could go to Albany Med to identify him.

12          Q.       Did you then leave St. Mary's and head  
13 over to Albany Med?

14          A.       Yes, but before we left St. Mary's we were  
15 driving by the scene, so I pulled over in front of  
16 Stewart's and I asked the officer if he knew what was  
17 going on and he said he didn't know anything that was  
18 going on, he just got there, but I saw him make a phone  
19 call and then he told us to head down to the police  
20 station.

21          Q.       Did you do that?

22          A.       Yes we did. We headed down to the Troy  
23 Police Department and that's where we met Chief Tedesco.

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SR.027

1 Q. What, if anything, did you discuss with  
2 Chief Tedesco?

3 A. He brought us in a small room in the back  
4 and told us that my husband was in an incident with the  
5 police officer and he had been shot.

6 Q. What else did he say?

7 A. And that he didn't have all the  
8 information but it's now a criminal investigation.

9 Q. Did he discuss anything else with you?

10 A. No.

11 Q. Do you know how long that conversation  
12 took?

13 A. It was less than five minutes because we  
14 said thank you and we left and we headed to Albany Med.

15 Q. What did you do when you got to Albany  
16 Med? Were you able to go in and identify the body, or  
17 did you have to wait?

18 A. No. We searched around. We found one of  
19 the Albany workers that told us where the morgue was.  
20 We went there, we rang the bell and no one ever came and  
21 then we must have been there for an hour and then a  
22 security guard came over and asked us what we were doing  
23 and we told him that we were here to identify my

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SR.028

1 husband's body and he said, 'You're not allowed to do  
2 that.' Hospital policy, that we were not allowed to do  
3 that, and we left.

4 Q. What's the next contact that you had with  
5 any member of the Troy Police Department?

6 A. None.

7 Q. Have you had any contact with members of  
8 the Troy Police Department since your initial contact on  
9 April 17th?

10 A. No.

11 Q. Have you had any contact with any law  
12 enforcement agency investigating the incident that  
13 occurred on April 17th of 2016?

14 A. Can you repeat?

15 Q. Sure. Has anyone come to you to take a  
16 statement or gather any information relating to your  
17 husband's death on April 17, 2016?

18 A. No.

19 Q. Has anyone communicated in writing with  
20 you from the City of Troy concerning your husband's  
21 passing?

22 A. No.

23 Q. Are you aware of any witnesses to the

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SR.029

1 events that occurred on April 17, 2016?

2 A. Yes.

3 Q. Who were you aware of as a witness?

4 A. Just the ones I have read in a media. I  
5 can't recall their names.

6 Q. So, only those people that you have read  
7 about in the paper or heard about on TV?

8 A. Yes.

9 MR. ROSE: Just so the record is  
10 clear. Cinthia, you have had a meeting with the  
11 Attorney General's Office, correct?

12 A. Yes I have.

13 MR. ASPLAND: I was going to ask her.

14 MR. ROSE: Okay.

15 EXAMINATION BY MR. ASPLAND:

16 Q. Have you seen any statements that have  
17 been given by a witness concerning the events that led  
18 to your husband's death?

19 A. No.

20 Q. Now, Mr. Rose mentioned that you have had  
21 interactions with the New York State Attorney General's  
22 Office?

23 A. I have.

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SR.030

1 Q. Can you tell me what those interactions  
2 have been?

3 A. I just had a meeting with them the one  
4 time to introduce themselves and just to let me know  
5 that they were starting an investigation.

6 Q. Do you know who from the Attorney  
7 General's Office you met with?

8 A. I met with two investigators and I don't  
9 remember their names. I met with Jen Summers.

10 Q. Do you know what Miss Summers' role or  
11 position is with the Attorney General's Office?

12 A. I don't remember.

13 Q. And do you have the name of those two  
14 investigators at home?

15 A. I don't.

16 Q. Did they give you a card?

17 A. I know one of them gave me a card but I  
18 can't remember what I did with the card.

19 Q. What was kind of a sum total of the  
20 meeting that you had?

21 A. Just to, like I said, just to introduce  
22 themselves. There was a couple of them there. Just to  
23 let me know that they were looking into it.

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SR.031

1 Q. Do you know when that took place?

2 A. At the end of May. Sometime in there.

3 Q. And did they ask you to come down to their  
4 office in Albany?

5 A. Yes.

6 Q. And have you heard from them since that  
7 one meeting?

8 A. No.

9 Q. Have you learned about the events that  
10 gave rise to your husband's car being stopped --  
11 withdrawn.

12 Have you learned about the events that gave rise  
13 to the vehicle your husband was operating being  
14 stopped on the Collar City Bridge?

15 A. Just from what I saw on the media and the  
16 newspaper.

17 Q. What have you come to learn?

18 A. That it was a traffic stop that ended up  
19 in a chase and my husband being shot.

20 Q. Have you talked to anybody at all who has  
21 described for you any portion of that evening events?

22 A. No.

23 Q. Did you have a funeral for your husband?

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SR.032

1 A. Yes I did.

2 Q. And was there a wake as well? Was it all  
3 one?

4 A. It was just one.

5 Q. Where did the funeral take place?

6 A. Newcomer.

7 Q. Is that in Troy?

8 A. That is in Colonie.

9 Q. When was the funeral?

10 A. The funeral was April and I don't remember  
11 the exact date.

12 Q. And where was he buried?

13 A. He was buried in Albany. The name is,  
14 like, right here but I can't remember.

15 Q. That's okay. Do you remember what the  
16 cost of the funeral was?

17 A. The funeral was a little over seven  
18 thousand and the burial part was a little over two  
19 thousand.

20 Q. Have you paid those bills?

21 A. Yes.

22 Q. Did you pay from monies that you had, or  
23 did you have to raise monies in order to pay them?

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SR.033

1           A.     His mom took it out of her savings to pay  
2     for the funeral and I charged the burial.

3           Q.     Is his mom expecting you to pay her back  
4     or was that just her contribution?

5           A.     No, just her contribution.

6           Q.     Did he have any life insurance at the time  
7     of his death?

8           A.     Yes, he did have life insurance.

9           Q.     Do you remember, off the top of your head,  
10    what the company who was holding the policy was?

11          A.     Enterprise.

12          Q.     What was the death benefit under the  
13    policy?

14          A.     Who would receive it, you mean?

15          Q.     How much was it?

16          A.     It was sixty.

17          Q.     Sixty thousand?

18          A.     Yes.

19          Q.     Who were the beneficiaries?

20          A.     I was.

21          Q.     Has that been paid off?

22          A.     Yes it has.

23          Q.     Were there any other monies that you have

1 received following your husband's death?

2 A. Just life insurance and what is that --  
3 not retirement. It's, like, shares he had.

4 Q. A 401k?

5 A. Yes, a 401k.

6 Q. Do you remember how much he got from the  
7 payout of the 401k?

8 A. I don't recall that one, no.

9 Q. Do you have that information at home?

10 A. Yes I do.

11 Q. I'm going to ask Theresa to put a line in  
12 this transcript and when you get it to review it, you  
13 can consult with Mr. Rose and if you could fill in that  
14 number, I'd appreciate it.

15 A. Okay.

16 AMOUNT RECEIVED FROM 401k: \$ 315.55

17 Q. So, other than the life insurance, the  
18 401k payout, the Social Security money going to the  
19 boys, is there any other money that's come to you or  
20 your sons following your husband's death?

21 A. No there hasn't.

22 Q. Other than this Notice of Claim, which I  
23 had marked today as Exhibit 1, are you aware of any

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SR.035

1 other Notices of Claim or suits having been filed or  
2 claims having been made, arising from the death of your  
3 husband on April 17, 2016?

4 A. No.

5 Q. Do you have any idea where your husband  
6 was that evening before he had the encounter with the  
7 police?

8 A. Yes I do.

9 Q. Where was he?

10 A. I know that he headed over to Adam's  
11 house, his younger brother who lives in Troy, and then  
12 from there, they went out and I don't know what the last  
13 place was, where they left from.

14 Q. Have you ever discussed that with Adam?

15 A. Yes.

16 Q. Did Adam tell you where they went and you  
17 just don't recall, or did Adam not tell you where they  
18 went?

19 A. He doesn't recall.

20 Q. He doesn't recall either?

21 A. No.

22 Q. Did you ever have a conversation with Adam  
23 about what time he and Edson separated that evening?

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SR.036

1 A. No.

2 Q. Do you know what time Adam got home that  
3 evening?

4 A. I don't know.

5 Q. Prior to April 17, 2016, are you aware of  
6 any contact that your husband had had with the Troy  
7 Police Department?

8 A. No.

9 Q. Do you know if he had had any prior  
10 contact with the Troy Police Department?

11 A. No he didn't.

12 Q. You're only aware of one DWI conviction  
13 that he had?

14 A. Yes.

15 Q. Do you know if he went through the alcohol  
16 treatment programs?

17 A. He did.

18 Q. Have you learned whether or not he had  
19 consumed alcohol the night of his incident with the  
20 police?

21 A. Yes. I know Adam said that he did have a  
22 drink.

23 Q. Did you ask Adam if Edson was intoxicated

1 that evening?

2 A. He doesn't recall.

3 Q. Have you ever known Edson to be a violent  
4 person?

5 A. No.

6 Q. Never in your experience?

7 A. No.

8 Q. Earlier, you said that you went past the  
9 scene and when we're describing the scene, are we  
10 generally describing the area between Hoosick Street and  
11 6th Avenue at the beginning of the Collar City Bridge?

12 A. Yes.

13 Q. Can you tell me what you saw at the scene  
14 that early morning when you were there?

15 A. I saw the car. It was completely blocked  
16 off. I saw the windshield was cracked. There was glass  
17 on the floor.

18 Q. On the roadway?

19 A. On the roadway.

20 Q. Did you note anything else?

21 A. No.

22 Q. Have you seen any of the police documents  
23 that were related to the incident involving your

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SR.038

1 husband?

2 A. No.

3 Q. Did you take any photographs that morning?

4 A. I did not.

5 Q. Do you know if anyone went down and took  
6 any photographs?

7 A. I don't know.

8 Q. When is the last time that you spoke to  
9 your husband prior to his death?

10 A. That night when he was leaving.

11 Q. Do you know about what time that was?

12 A. We were talking and he realized the time  
13 and he said, 'Oh, I have to go.' It was around  
14 nine-thirty or maybe almost ten.

15 Q. Had he had anything to drink that night at  
16 home?

17 A. No.

18 Q. When was the first time that you learned  
19 that shots had been fired and your husband had been hit  
20 by those shots?

21 A. Monday, I googled the press conference.

22 Q. What day of the week did the incident  
23 occur on?

1 A. It was Sunday.

2 Q. And when you spoke to Chief Tedesco did he  
3 mention that your husband had been shot?

4 A. Yeah, he said my husband had been shot.

5 Q. Who conducted the press conference?

6 A. I know the D.A. Abelow was on there.

7 Q. Was Chief Tedesco also involved in this  
8 press conference?

9 A. Yes.

10 Q. Have you ever had a conversation with D.A.  
11 Abelow about what happened?

12 A. No.

13 Q. Have you ever had a conversation with  
14 anybody from his office about what happened?

15 A. No.

16 Q. Do you have any sources of information,  
17 other than the press conference and the conversation you  
18 had with Chief Tedesco, about the events that occurred  
19 on April 17, 2016?

20 A. No.

21 Q. Have you been appointed by a court as a  
22 representative of your husband's estate?

23 A. Yes.

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SR.040

1 Q. What court was that?

2 A. I think it was Albany.

3 Q. Albany County Surrogate's Court?

4 A. Yes.

5 Q. Do you have a copy of the letters that  
6 were issued by the Surrogate Court?

7 A. Oh, I'm sorry. It's not final yet.

8 Q. Pending?

9 A. Yes.

10 Q. Do you know what time you got to St.  
11 Mary's Hospital that morning?

12 A. It was six a.m.

13 Q. And you never got to speak to a doctor at  
14 St. Mary's?

15 A. No.

16 Q. Have you ever been involved in any kind of  
17 lawsuit?

18 A. No.

19 Q. Can you describe for me the type of Dad  
20 that Edson was to the boys?

21 A. He was very involved. He was the one that  
22 he would leave work to pick up [REDACTED] from the bus stop.  
23 He did homework with [REDACTED] The times I couldn't be

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SR.041

1 home in time, he started dinner and got the boys ready  
2 for bed if I was working late.

3 Q. Where was the Sephora location that he  
4 worked for at that time?

5 A. Colonie Center.

6 Q. What else can you tell me about the  
7 relationship that Edson had with the boys?

8 A. He played a lot of sports with them. He  
9 was more of an outside person. Like, he liked to be  
10 outside. So, any time the weather was nice or even if  
11 it was snowing, he'll be outside with the boys. He was  
12 teaching [REDACTED] how to swim because [REDACTED] was, from an  
13 incident that happened, scared of the water, so he was  
14 determined to teach [REDACTED] how to swim. If he wasn't  
15 working and I was home, he was with me and the boys.

16 Q. How was your relationship with Edson?

17 A. My relationship was awesome with him. It  
18 was very loving. He was always motivating me. He was  
19 always trying to get me to do new things. And every  
20 time he would get me mad he would, like, sneak and find  
21 a way to cheer me up by the end of the night. He would  
22 plan, like, date night at least once a month so that way  
23 we could get out of the house without the kids. And if

1 he knew I was home at times, he would just ask to leave  
2 work early so he could pick me up for lunch.

3 Q. During the time that you and Edson were  
4 together, were there any periods where he was  
5 incarcerated?

6 A. Yes.

7 Q. When were those incarcerations?

8 A. It was eight months and that's when I was  
9 pregnant with [REDACTED].

10 Q. Was he released before [REDACTED] was born?

11 A. Yes. He was released in mid June.

12 Q. Was that from the DWI?

13 A. Yes.

14 Q. What hospital was [REDACTED] born in?

15 A. Nyack Hospital.

16 Q. Was Edson able to be there?

17 A. Yes he was.

18 Q. Are there any bills that you have received  
19 relating to your husband's passing that you're  
20 financially obligated to pay?

21 A. His hospital bills from that day.

22 Q. From St. Mary's?

23 A. From St. Mary's.

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SR.043

1 Q. Do you know how much St. Mary's is looking  
2 for in the form of those bills?

3 A. It will be over two thousand.

4 Q. Two thousand dollars?

5 A. Yes.

6 Q. Do those bills still remain outstanding?

7 A. Yes.

8 Q. As a result of Edson not being here any  
9 longer, are there out-of-pocket expenses now that you're  
10 incurring that you didn't otherwise have when he was  
11 with us?

12 A. I'm just --

13 Q. I'm trying to get at, that you have to pay  
14 for a daycare provider now, whereas before maybe he  
15 would be the person that would watch Nate, and things of  
16 that nature.

17 A. Nate is still going to daycare, so we  
18 always, like, paid half on that. Zamir -- he would pay,  
19 like, before and after school programs for Zamir.

20 Q. So, you and Edson would kind of split the  
21 bills?

22 A. Yes.

23 Q. Did you maintain a joint banking account,

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SR.044

1 or did you have separate accounts?

2 A. We had separate accounts. Just one had  
3 our name on it but nothing really went into that.

4 Q. So, what were the types of things that you  
5 were responsible for and what were the types of things  
6 that Edson was responsible for?

7 A. He did the phone bill. We did daycare  
8 together. I did my car note. When we had cable, he  
9 would do, like, cable. He would do some of the  
10 groceries.

11 Q. You guys split the groceries?

12 A. Yes, we would. It was pretty much  
13 everything, we split. His student loan, he did that.  
14 He paid for that on his own.

15 Q. Did he still have to pay his student loan?

16 A. It has to be paid but I haven't paid any  
17 payments with it.

18 Q. What other bills or expenses would be  
19 split?

20 A. Electric.

21 Q. Split?

22 A. Split.

23 Q. What else?

1           A.     The rent. His mom helped us with rent  
2     too, so that would be split.

3           Q.     In 2014, did you guys file separate tax  
4     returns?

5           A.     Yes we did.

6           Q.     And every year up until 2015, you filed  
7     separate tax returns, right?

8           A.     Yes.

9           Q.     Did you consider yourselves, prior to  
10    being married in 2015, to be domestic partners?

11          A.     Yes.

12          Q.     Did you claim each other on health  
13    insurance forms, or anything if that nature, prior to  
14    your marriage in August of 2015?

15          A.     No.

16          Q.     How many years did you date for prior to  
17    getting married?

18          A.     We were together fifteen.

19          Q.     Before you got married?

20          A.     Before we got married.

21          Q.     What changed in 2015?

22          A.     We were just like, 'Let's just do this.'  
23    We just came to a point where we said, 'Let's just do

1 this.' We were trying to save up for a big wedding. It  
2 just didn't make any sense.

3 Q. Are you or the boys in counseling of any  
4 sort related to the death of your husband?

5 A. No, not yet.

6 Q. Do you have plans to seek counseling on  
7 behalf of yourself or the boys related to Edson's death?

8 A. Yes.

9 Q. Do you have somebody in mind that you're  
10 going to go see and you haven't made an appointment yet,  
11 or are you still kind of vetting therapists or  
12 counselors?

13 A. I'm still looking for me but for the boys,  
14 I have somebody in mind.

15 Q. Who is that?

16 A. It's a place a doctor's office gave me in  
17 Rensselaer.

18 Q. Do you know the name of the group of the  
19 therapists, or anything like that?

20 A. I don't remember. I know it had the word  
21 Hospice in it, but I don't remember the whole name or  
22 group.

23 Q. How have the boys reacted to the passing

1 of your husband and their dad?

2 A. They have good and bad days. [REDACTED] is  
3 afraid of police officers.

4 Q. And he's four?

5 A. He's four.

6 Q. Why is he afraid of police officers?

7 A. He thinks that every police officer that  
8 he sees is the one who shot his dad and they're going to  
9 do the same to us.

10 Q. How did he learn that his dad died?

11 A. [REDACTED], he learned from just the news but  
12 the first time they heard that Dad had passed away was  
13 from the two detectives that came in. They overheard  
14 that. But the police shooting, they heard it from the  
15 news.

16 Q. And your older son, how is he doing?

17 A. He has some good days and other days I  
18 have to, like, I feel like I'm picking him up out of it  
19 because he had a lot of questions. He doesn't  
20 understand why and he doesn't feel the same without his  
21 dad being here. He feels lost.

22 Q. How are you doing?

23 A. Right now, or in general?

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SR.048

1 Q. How about in general?

2 A. I'm sorry. (Witness is crying). Some  
3 days are better than others.

4 Q. This was the part, when I told you at the  
5 beginning when I said 'I'm going to ask you some  
6 difficult questions.' This was the part I was referring  
7 to. So, I'm sorry that we had to put you through this.

8 A. I know. Some days are better than others.  
9 Sometimes I wake up thinking that he's going to be there  
10 and he's going to walk through the door. I feel empty,  
11 if you really want to know how I feel. That was my best  
12 friend and now he's not here anymore and I'm left to  
13 pick up the pieces.

14 Q. When you get the boys settled in with some  
15 kind of health care provider or therapist, are you  
16 planning on going to see one yourself?

17 A. Yes.

18 Q. Did Edson have a family doctor at the time  
19 of his death?

20 A. No.

21 Q. Do the boys have a pediatrician that they  
22 see?

23 A. Yes.

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SR.049

1 Q. Who is their pediatrician?

2 A. They go to Seton Pediatrics in Troy.

3 Q. Is there one doctor that they typically  
4 see or do they see kind of a group?

5 A. They usually see the one doctor but his  
6 name is so long that I can't remember it.

7 Q. Okay. We'll put another line in there and  
8 you can write it in and this way we won't have to worry  
9 about it.

10 A. Okay.

11 NAME OF DOCTOR: Dr. Ojukwu, Ifeoma

12 Q. Did Edson have any medical conditions that  
13 you were aware of at the time of his death?

14 A. No.

15 Q. How would you describe his overall general  
16 health at the time he passed?

17 A. He was very healthy.

18 Q. You mentioned earlier that he had lost a  
19 lot of weight in the period of time leading up to his  
20 death. Was he trying to get healthy or was there  
21 something going on and he lost weight to deal with the  
22 situation, or what?

23 A. No, he just wanted to lose weight. He was

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SR.050

1       trying to get healthy. He was going to the gym a lot  
2       and he changed the way that he was eating.

3               Q.       In the media accounts that you reviewed or  
4       watched at the time they occurred, did you learn of any  
5       of the allegations as to the conduct that your husband  
6       has said to have been engaged in as relates to his  
7       interaction with the police department that night?

8               A.       Yes.

9               Q.       What did you learn from those media  
10       accounts?

11              A.       Just that he was in a car chase; that he  
12       tried to stop them but it ended up in a car chase and  
13       then I heard the 9/11, that the 9/11 dispatch called  
14       him, the officer.

15              Q.       Was that on TV?

16              A.       It was. It was on line. For a point,  
17       you're able google it.

18              Q.       In the context of listening to those media  
19       accounts, did you learn that the police radio -- that  
20       your husband was trying to use the car to injure a Troy  
21       City Police Officer?

22              A.       Yes.

23              Q.       Does that sound like something that he

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SR.051

1 would do?

2 A. No.

3 Q. Did you learn that he was stopped under  
4 suspicion of DWI?

5 A. Yes.

6 Q. And his DWI conviction that he had  
7 downstate relative to 2016, how many years prior was  
8 that?

9 A. That was in -- I believe that was in '05.  
10 No, that was '06 because I had [REDACTED] in '07. So, it  
11 was, like, 2005, 2006.

12 Q. Are you aware of whether or not Edson had  
13 any kind of general distrust or dislike for the police  
14 in general?

15 A. No he didn't. Never.

16 Q. Has anyone told you whether or not your  
17 husband was alive at the scene on the Collar City Bridge  
18 and obviously prior to getting to St. Mary's, or did you  
19 learn anything about his medical condition while at the  
20 scene and before he was transported to St. Mary's  
21 hospital?

22 A. No.

23 Q. Now I'm going to show you Exhibit 1. I

1 just have some general questions about that document, so  
2 if you'd take a look at it for me.

3 A. Okay.

4 Q. Have you had a chance to take a look at  
5 the document?

6 A. I have.

7 Q. Have you ever seen that before today?

8 A. Yes I have.

9 Q. When was the first time you saw that  
10 document?

11 A. When my attorney sent it over to me.

12 Q. In that first paragraph there it says that  
13 [REDACTED] Thevenin --

14 A. Let me correct that. [REDACTED], it should be.

15 Q. I'm just making sure. My son is the  
16 third and we call him by his initials sometimes. I just  
17 wanted to make sure we had the right name.

18 Your signature doesn't appear on this document,  
19 does it?

20 A. No.

21 Q. And some of these questions are going to  
22 seem awkward or kind of out of place but I'm going to  
23 ask them anyway --

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SR.053

1 A. Okay.

2 Q. -- because I have to, based on the nature  
3 of the claim, okay?

4 A. Okay.

5 Q. If you can turn to paragraph 3 for me.

6 A. Yes.

7 Q. You see the words, 'Conscious pain and  
8 suffering,' in the beginning of the first line in there?

9 A. Yes.

10 Q. Are you aware of whether or not your  
11 husband was conscious and for what period of time was  
12 conscious as it related to this stop he was involved in  
13 on the 17th of April 2016?

14 A. No.

15 Q. I'm not going to ask you -- you're not an  
16 attorney, correct?

17 A. No.

18 Q. You have never had any legal training as a  
19 paralegal or with the law, generally?

20 A. No.

21 Q. Are you independently familiar with any of  
22 the legal terminology that's used in paragraph 3?

23 A. No.

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518-741-6005

SR.054

1 Q. Do you have an understanding at to what --  
2 you see down at the bottom where it says, '42 U.S.C.  
3 1983?'

4 A. Yes.

5 Q. Do you have any idea what that statute  
6 deals with, from your own perspective?

7 A. No.

8 Q. The claim, kind of boiled down, alleges  
9 that the police used -- improperly used -- force against  
10 your husband Edson. Is that how you understand the  
11 claim generally to be?

12 A. Yes.

13 Q. Do you know whether or not there were  
14 facts or circumstances present that allowed the police  
15 to use force against your husband?

16 A. No.

17 Q. Have you had any chance to discuss the  
18 facts or circumstances that led up to the encounter your  
19 husband had with the police on the Collar City Bridge?

20 A. No.

21 Q. Do you have a reason to believe -- do you  
22 have a factual basis to believe that the police officers  
23 involved were less than truthful in describing their

1 interactions with your husband that night?

2 A. Can you repeat that?

3 Q. Sure. Do you have a factual basis to  
4 believe that the police officers who were involved in  
5 the interaction with your husband that night have been  
6 less than truthful in describing the interaction that  
7 they had with him that night?

8 A. No, I don't know.

9 Q. If you look at paragraph 4.

10 A. Yes.

11 Q. There's a sentence that begins,  
12 'Thereafter, Sgt. French shot and killed Edson Thevenin  
13 without justification for the use of deadly force.' Do  
14 you have any facts to support that allegation?

15 A. No.

16 Q. Did your husband own a firearm?

17 A. No.

18 Q. Did you ever know him to carry a gun or a  
19 weapon of any sort?

20 A. No.

21 Q. It says, 'Upon information and belief,  
22 Sgt. French fired no less than eight shots at the  
23 unarmed Mr. Thevenin.' Do you know the basis for that

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SR.056

1 statement?

2 A. No.

3 Q. The next page, if you could just turn to  
4 the top. It says, 'Hours after the Decedent was shot  
5 and killed, police officers John Does 1 through 10 made  
6 false statements and deliberately misled Claimants and  
7 Decedent's family members into believing that the  
8 Decedent had been killed in a motor vehicle accident  
9 without reference to being shot by a Troy Police  
10 Officer.' Did you tell me, so far, everything that you  
11 recall that supports that allegation in this Notice of  
12 Claim?

13 A. Yes.

14 Q. And you spoke to two detectives at your  
15 home that night?

16 A. Yes.

17 Q. One detective at St. Mary's and then Chief  
18 Tedesco later on that evening or early that morning?

19 A. That morning, yes.

20 Q. And you haven't had any contact with  
21 anybody else at this point?

22 A. No.

23 Q. And the false statement, is that what? He

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SR.057

1 had been involved in a motor vehicle accident as opposed  
2 to --

3 A. -- being shot.

4 Q. Being shot. And what other family members  
5 besides yourself and the two boys are being referred to  
6 here in this sentence event?

7 A. His mom and his brother Tyler.

8 Q. Who spoke to his mom from the police  
9 department?

10 A. The two detectives that came to the door.

11 Q. Were you all in the same place?

12 A. Yes.

13 Q. Does his brother Tyler live there as well?

14 A. Yes, but he will be leaving soon.

15 Q. Just so I understand the scene, you and  
16 Edson's mom and his brother Tyler were all speaking with  
17 the two detectives at the same time, or independently?

18 A. No. His mom was the one that opened the  
19 door for them and she came and got me but Tyler's bed  
20 and Zamir's bed is a single bed. They could hear  
21 everything from his doorway.

22 Q. How old is Tyler?

23 A. Tyler is seventeen.

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SR.058

1 had been involved in a motor vehicle accident as opposed  
2 to --

3 A. -- being shot.

4 Q. Being shot. And what other family members  
5 besides yourself and the two boys are being referred to  
6 here in this sentence event?

7 A. His mom and his brother Tyler.

8 Q. Who spoke to his mom from the police  
9 department?

10 A. The two detectives that came to the door.

11 Q. Were you all in the same place?

12 A. Yes.

13 Q. Does his brother Tyler live there as well?

14 A. Yes, but he will be leaving soon.

15 Q. Just so I understand the scene, you and  
16 Edson's mom and his brother Tyler were all speaking with  
17 the two detectives at the same time, or independently?

18 A. No. His mom was the one that opened the  
19 door for them and she came and got me but Tyler's bed  
20 and Zamir's bed is a bunk bed. They could hear  
21 everything from his doorway.

22 Q. How old is Tyler?

23 A. Tyler is seventeen.

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SR.059

1 Q. When you say he's leaving soon, is he  
2 going off to college?

3 A. He is going to go to college.

4 Q. Where is he going to go to school?

5 A. Morrisville.

6 (Off the record)

7 EXAMINATION BY MR. ASPLAND:

8 Q. What's Edson's mom's name?

9 A. Gertha.

10 Q. Are you going to continue to live at the  
11 same apartment or do you have plans of moving?

12 A. I have plans of moving.

13 Q. Where do you plan to move to?

14 A. Colonie, Latham, area.

15 Q. Closer to work?

16 A. Yes.

17 Q. Is there anyone that you have relied upon  
18 for emotional support during this time?

19 A. My pastors, my mom, my sister and his mom.

20 Q. What church are the pastors associated  
21 with?

22 A. Empire Christian Center.

23 Q. Is that in Troy?

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SR.060

1 A. That's in Albany.

2 Q. In that same paragraph on page 2, a little  
3 bit further down, it says, 'In denying access to the  
4 body of the Decedent to his spouse and family after his  
5 death, and in deliberately withholding accurate  
6 information and misleading Claimants as to the facts  
7 leading to his death.' We discussed your understanding  
8 of the facts that support that allegation?

9 A. Yes.

10 Q. Is there anything else that you now  
11 remember that you feel supports the allegation that I  
12 just read?

13 A. No.

14 Q. The next sentence, 'Respondents  
15 intentionally and negligently inflicted severe emotional  
16 distress upon Claimants.' What was the intentional and  
17 negligent infliction -- what was it that the Respondents  
18 said or didn't say that you feel was intended to cause  
19 you pain?

20 A. Saying that he died in a fatal car  
21 accident. Not letting us identify his body.

22 Q. That was Albany Medical Center's policy,  
23 is that right?

1 A. Yes, but before that the detective had  
2 sent us there to identify the body.

3 Q. And then when you got to the hospital they  
4 said --

5 A. They said no.

6 Q. What facts do you have to support the  
7 belief that the Troy Police Department and the  
8 Rensselaer County District Attorney's office have  
9 conspired to conceal the truth of the events of April  
10 17, 2016?

11 A. I don't know.

12 Q. Are you aware of whether or not a  
13 Rensselaer County Grand Jury has been convened to hear  
14 this case?

15 A. Has been convened?

16 Q. Yes.

17 A. Yes.

18 Q. Do you know what the grand jury  
19 determined?

20 A. They determined that he wasn't guilty.

21 Q. What?

22 A. He wasn't guilty.

23 Q. The police officer?

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518-741-6005

SR.062

1 A. Yes.

2 Q. Sergeant French?

3 A. Sergeant French.

4 Q. Is there any statement that you'd like to  
5 make at this time?

6 A. No.

7 Q. Is there any information that you feel is  
8 important for my clients to know as it relates to this  
9 claim but we haven't discussed yet today?

10 A. No.

11 Q. Is there any answer that you have given  
12 today that over the last hour and forty-five minutes  
13 you've had a chance to reflect on that you'd like to  
14 amend or add to or change?

15 A. No.

16 MR. ASPLAND: I don't have any  
17 further questions. I appreciate the difficulty of  
18 the situation and I appreciate you coming in.

19 A. Okay.

20

21

22

23

- - - - -

1  
2  
3  
4  
5 STATE OF NEW YORK

6 COUNTY OF ESSEX  
7

8 I, THERESA M. TOBIN, do hereby certify that the  
9 foregoing is a true and correct transcript, to the  
10 best of my ability, of the proceedings which took  
11 place at the aforementioned time and place.  
12  
13  
14

15 Theresa M. Tobin

16 Stenographer  
17  
18  
19  
20  
21  
22  
23

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SR.064

STATE OF NEW YORK )

COUNTY OF )

CINTHIA THEVENIN, having been duly sworn, deposes  
and says that he/she has read the foregoing  
transcript of his/her testimony and knows the  
same to be true.



Cinthia Thevenin

Subscribed and sworn to before me

this 8<sup>th</sup> day of September, 2016



Notary Public

Brendan McCoy  
Notary Public, State of New York  
No. 01MC6308142  
Qualified in Albany County  
Commission Expires June 16, 2018

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Queensbury, New York 12804  
518-741-6005

SR.065

DATE/  
TIME

04-17-16-0500

AGENCY

TROY

POLICE DEPARTMENT

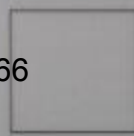
CASE #

38338-16

PHOTOGRAPHED  
BY

Officer M. Furciniti

EVIDENCE TECHNICIAN CAMERA # 6



SR.066



SR 067



SR.068



SR.069



SR.070



SR.071



SR.072



SR.073